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July 26, 2022

Via ECF

Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Babb v. City of New York*
21-cv-8655 (KPF)

Dear Judge Failla:

My law firm represents Plaintiff Austin Babb in this § 1983 action against individual officials and the City of New York under *Monell* alleging malicious prosecution, evidence fabrication, *Brady* violations, and summation misconduct. I write to request an adjournment of the parties' mediation from its current scheduled date, August 8, 2022, to September 7, 2022.

This case is designated for participation in Local Civil Rule 83.10. Pursuant to that rule, a mediation was initially scheduled for May 24, 2022. *See* ECF entry dated March 11, 2022. Defendants then made two requests, on consent, to adjourn the mediation. *See* ECF Nos. 20, 22. The Court granted both requests. *See* ECF Nos. 21, 23. The mediation is currently scheduled for August 8, 2022. *See* ECF Nos. 24, 25.

The reason for the current adjournment request—Plaintiff's first—is that I now have an unavoidable conflict on August 8 in a criminal matter. I represent one of two defendants who have been granted an evidentiary hearing on their post-conviction motion in state court seeking to overturn their 21-year-old murder convictions. The other defendant is still in prison. After seven days of testimony, including four days last week, the hearing still has not finished. The court scheduled the hearing to resume the week of August 8, which is the next week the court, co-counsel, and the prosecutors are all available.

I have conferred with counsel for Defendants and with the assigned mediator, and they consent to adjourning the mediation in this case to September 7, 2022, at 10:00 a.m. I respectfully request that the Court so-order the mediation to take place at that time.

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Respectfully submitted,

/s/

Joel B. Rudin

cc: Daniel Michael Braun
Michael Viviano
Attorneys for Defendants

Application GRANTED.

Dated: July 26, 2022
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE